

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	§	SA-14-cr-172(1)-DAE
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
LEE ANN BLYSTONE,	§	
	§	
Defendant.	§	

ORDER DENYING DEFENDANT’S MOTION FOR COMPASSIONATE
RELEASE

Before the Court is a Motion for Compassionate Release brought by Defendant Lea Ann Blystone (“Defendant”) on March 26, 2020. (Dkt. # 509.) Defendant was sentenced to a term of imprisonment of 84 months on her guilty plea to Count Three of the Indictment, which charged her with wire fraud in violation of 18 U.S.C. § 1343 on August 25, 2015. (Dkt. # 420.) Defendant asks this Court to release her from custody in light of the “national health crisis” of the coronavirus. (Dkt. # 509.) The United States filed an opposition on March 31, 2020. (Dkt. # 510.) For the foregoing reasons, this Court **DENIES** the motion.

This Court may reduce a term of imprisonment due to “extraordinary and compelling reasons” under 18 U.S.C. § 3582(c)(1)(A)(i). But Defendant’s

motion must establish that she has “fully exhausted all administrative rights.” Stating that she had been “denied by the BOP and told to write to my Judge” is not enough to meet this burden. Furthermore, even if Defendant had exhausted her administrative rights, the Court finds that the United States has sufficiently shown that the BOP is taking “aggressive action” to mitigate the danger of potential coronavirus transmissions. (Dkt. # 510.) Importantly, the Government advised that should the situation change, “it will take action to attempt to protect all inmates, including those, like the Defendant, who may be more susceptible to adverse results due to age and existing ailments.” (Id.)

The Court does not intend to minimize Defendant’s concerns given the global pandemic that we are all now facing. But the BOP’s Action Plan for minimizing the risk of COVID-19 transmission appears reasonable at this time. Thus, the Court finds that Defendant’s motion does not meet the qualifications under 18 U.S.C. § 3582(c) and **DENIES** Defendant’s motion.

IT IS SO ORDERED.

DATED: San Antonio, Texas, April 1, 2020.



David Alan Ezra
Senior United States District Judge

